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'JUDGE STUART **WOULD IGNORE**

(Continued from Page 1)

of Judge Stuart as to whether he had

ever visited the other islands, so I might know if he had knowledge of lands by personal observation, and he stated he had not.

island of Oahu would indicate he is

"The total arable lands belonging to law, not only in regard to petitioner's in duty bound for years to open up the territory amount to but 59,044 land, but the land of all other hold-public lands in the territory at reaacres, of which 36,776 are cane lands, ers where it has been inserted into sonable prices. The entryman, he 20,581 other agricultural lands, and any contract or any deed.

1686 acres rice, tare and fish pends. "Third—That the respon

"Quite an area is solely dependent to the territory. Most of the land is out on unexpired leases.

"I do not propose this morning to further analyze every acre Judge veyances of larger trace. Stuart may imagine he knows or does Put Lands On Market. not know, but if he will submit an inquiry about any specific parcel or par-cels of land he will receive correct in- with the acts of 1910 in reference to and now specially are authorizing the

the Organic Act.

"The act is being conformed to.
"Judge Stuart has signed a hometead agreement and does not wish to carry out his voluntary agreement, but

er's refusal to accept the purchase be immediately required to comply ket."

price, Judge Stuart has begun an ac- with the same by surveying and bringof mandamus ordering the two high officials to appear in Circuit Judge Ashford's court at 10 o'clock on Saturday morning. November 20, and patent at once, or will purchase the same at the land and take a shew cause why the land is the land and take a patent at once, or will purchase the land and take a governor Pinkham and and take a govern urday morning, November 20, and shew cause why the land laws of the territory should not be administered according to Judge Stuart's way of After making mention of the fact

reopen the old land question in Hawaii try and become owner of public land, is the opinion of many who have become interested. On the other hand, it is predicted that Judge Stuart has "That the Constitution and (except once more a live issue.

settlement in Hawaii has practically United States or the provisions of this been stopped. The complaint declares act shall continue in force . . ." that, by the policy of the governor, Judge Stuart declares that the Orthe requirements of Congress con-cerning the opening of public lands governor and the land commissioner, in the territory have been 'each wil- when 25 or more persons having the fully violated . . . in each and ev- qualifications of homesteaders make a

of any land until a road shall be with such citizenship." built thereto," and also that "such Violate Spirit and Letter. lands should be held to meet the pub. The charge is made in the

governor and the land commissioner the spirit and letter of the law, and with "wrongfully withholding the public lands from entry," and "at the same time are shipping in foreign peon labor at heavy expense to the taxpayers; that in the last two years over 18,000 Filipinos of the lower and crimspirit and letter of the law, and the requirements of Congress in each last act of Congress in 1910, it has never been complied with in word or spirit by said respondents (the governed last act of Congress in 1910, it has never been complied with in word or spirit and letter of the law, and the requirements of Congress in each last act of Congress in each last act of Congress in each last act of Congress in 1910, it has never been complied with in word or spirit and letter of the law, and every respect." Judge Stuart charges that "since the passage of the last act of Congress in 1910, it has never been complied with in word or spirit and letter of the law, and every respect." Judge Stuart charges that "since the passage of the last act of Congress in 1910, it has never been complied with in word or spirit and letter of the law, and every respect." Judge Stuart charges that "since the passage of the last act of Congress in 1910, it has never been complied with in word or spirit and letter of the law, and every respect." inal class have been introduced into ernor and the land commissioner) but Hawaii" through the personal activity they have virtually withdrawn from

It is charged that "annoying, fool- Hawaii." ish, offensive, absurd and unlawful through "unlawful and unconstitution. Congress," Judge Stuart adds. al acts" of Governor Pinkham and Land Commissioner Tucker.

Makes Many Demands. following demands of the governor

and the land commissioner: "First-Accept from petitioner the purchase price of said land, and to de- price as therein stipulated as against liver to petitioner a patent for the land an entryman who desires to pay said without conditions except that he shall 80 or more acres of land in Hawaii.

A CHARGE ACCOUNT AT CLOTHIERS

FORT ST.

While E. Santiago was spending his dered. There was no bond on file activity-fourth day in jail meditating on why he was there so long, he was haled into court by mistake, an officer taking him for another man, and his appearance created a decided ripbeen there 34 days," Judge Monsarrat ple on the surface of court calmness. said to Straus, stances to the department of the in-

E. Santiago did not know why he "We did not know how much you was in jail so long. No one knew why would fine him," answered Straus em-"I had an inquiry made this spring he was in court. The judge insisted phatically; "besides, it is not my afon finding out the status of Santiago's fair. I was his attorney. We asked case, and sent for his attorney, L. M. a jury trial, and Santiago was let out Straus, who said that Santiago had on bail. Then he tried to get away in been in jail since October 4. He pre- a boat and his bondsmen surrendered viously had been out on bond, but him. We are waiting to get the case "His assertion as to lands on the tried to skip and was then surren before the circuit court."

not personally familiar with the lands ly, excepting and reserving therefrom feiture by the commissioner without and land situated on that island even the stream and all riparian and other, due process of law." "The bald facts as to our public rights in or to this stream and the Goes to Large Owners lands have been stated and printed waters thereof, be eliminated theretime and time again, and are within from, and that the same may be de-reach of everyone. Stuart continues, both the governor clared to be wholly unauthorized by

"Third-That the respondents be commanded to put in no other or fur erence thereto, but to allow the enon waters other than those belonging ther condition, conditions or reservations in the entries hereinafter made of small tracts than they have here-tofore been put in contracts and con-petitioner has no objection to entry tofore been put in contracts and conveyances of larger tracts.

"The land laws are controlled by bringing all of said lands immediately make contracts looking to the control into the market.

Fifth-That the respondents be or owners." When Circuit Judge T. B. Stuart, annually thereafter cause to be surshortly after he had taken the local veyed for homestead purposes such Objects to bench, secured lot No. 34 of the Hale- amount of agricultural land and paskou-Waikaluakai homesteads near Ka- toral lands in various parts of the terkou-Walkaluakai homesteads near Kaneohe, Oahu, by drawing option No. 13. which was the only homestead lot left, he offered to pay the purchase price of \$425 which, he declares, Land Commissioner Joshua D. Tucker refused to accept.

The complaint was filed late yester-day afternoon, after the second edition of the Star-Bulletin had gone to press. Based, probably, on the commissioner with any respect, and that they now be immediately required to comply with in any respect, and that they now be immediately required to comply and in reference to bringing in all said in reference to bringing in all sa

that he is a citizen of the United That the action of Judge Stuart will States and thus entitled to make en-

it is predicted that Judge Stuart has "That the Constitution and (except for 1914 shows a decrease of nearly fired the opening gun in the Demo as herein otherwise provided) all of 7,000,000 tons as compared with the cratic campaign for the approaching the laws of the United States (which territorial election, and that the Bourbons intend to make the land question have the same force and effect within the said territory as elsewhere in the United States." He quotes, fur-"Settlement Stopped," He Says. the United States." He quotes, fur-Judge Stuart's complaint attacks bit-ther, from the same authority: "That terly the governor's land policy, and the laws of Hawaii not inconsistent alleges that, because of this policy, with the Constitution or laws of the

written application, make a survey of It is further alleged that 'frivolous the land applied for and open it for excuses" for their non-compliance public entry in lots of 80 acres each. with the requirements of Congress "The object of said act," the comhave been given by the governor and plaint says, "was to encourage immithe land commissioner, one of these gration of United States citizens from being that "they will not allow entry the mainland to settle such territory

The charge is made in the complaint that both the governor and the land The complaint further charges the commissioner have wilfully violated entry all public lands in the islands of

"That it is true respondents have conditions" have been inserted into opened up a few small tracts where it the homestead deeds of small settlers, might not interfere with the land mowhile large corporations have es nopolists, the said tracts ranging from caped. "Hundreds of poor citizens five to 15 acres each, and wholly inhave been deprived of and driven from sufficient to support a family and in their homes," declares the complaint, no sense complying with the act of

"Senseless" Conditions. Referring to his own agreement whereby he secured a tract of land Judge Stuart's complaint makes the on windward Oahu, Judge Stuart points out the following conditions as being "senseless and absurd:"

"(a) The payment of the purchase

purchase price in full as petitioner has not convey to anyone already owning frequently offered to do; (b) The requirement of residence thereon after "Second-That the reservation full payment has been made therefor; placed in said so-called contract, name- (c) The cultivation of the number of acres specified in said paper or any part thereof and the planting of the number of trees specified therein, or any number of trees; (d) The delay of patent after the tender of the purchase price, or the making of the patent dependent upon any residence or cultivation after the tender of the purchase price; (e) The excepting or reserving of the natural waters upon said land or the depriving of the entryman of the use thereof; (f) Any right of visitation of lands after the tender of the entire purchase price; (5) The exercise of any powers of for-

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Under the acts of Congress, Judge adds, should not be embarrassed by "useless and absurd conditions in reftryman the privilege of taking said land under any form of entry including papers or patent preventing the land from ever passing into the control or "Fourth-That the respondents be ownership of large land owners; but the 25 petitioners and in reference to owners of such small homesteads to of said homesteads by the large land

dered, directed and commanded to Unless they can show cause otherforthwith comply with the act of Con- wise, Judge Stuart demands that the gress of May 10, 1910, which directed governor and land commissioner acwishes the governor and fand com- them to open up and survey a reason- cept from him the purchase price of missioner to consent to a course that able amount of desirable agricultural his homestead in Kaneohe and issue would destroy all true homesteading lands and also of pastoral lands in a land patent for it without any con-and turn our lands over to specula- various parts of the territory for ditions except that he shall not conhomestead purposes, on or before Jan- vey the lot to any person who aluary 1, 1911, and further directed to ready owns 80 or more acres of land

Objects to Riparian Clause. He also demands that the phrase "excepting and reserving therefrom

Governor Pinkham expects to leave for Washington, D. C., in the steamer Wilhelmina on December 1 and it is understood that Attorney Andrews will leave for the national capital a few days earlier.

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